

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DAVID J. SCOTT #191939,)	
)	
Plaintiff,)	Case No. 2:04-cv-29
)	
v.)	HON. RICHARD ALAN ENSLEN
)	
GEORGE BABIK, <i>et al.</i> ,)	ORDER DENYING LEAVE TO PROCEED
)	<u>IN FORMA PAUPERIS ON APPEAL</u>
Defendants.)	
)	

Plaintiff David J. Scott, a state prisoner incarcerated at the Ojibway Correctional Facility, filed a Complaint pursuant to 42 U.S.C. § 1983. On March 29, 2004, the Court entered an Order denying him leave to proceed *in forma pauperis* because he has “three strikes” within the meaning of 28 U.S.C. § 1915(g). Plaintiff paid the filing fee in the required time period, and the Court subsequently dismissed the action without prejudice on February 17, 2006.

Plaintiff has now filed a notice of appeal, but has failed to submit the \$455.00 filing fee. As outlined in the Court’s Opinion and Order denying him pauper status based on § 1915(g), Plaintiff is barred from proceeding *in forma pauperis* on this appeal. Plaintiff has 30 days from the date of entry of this Order to pay the entire filing fee for appealing a civil action, which is \$455.00, to the Clerk of this Court. Plaintiff’s failure to comply with this Order may result in dismissal of this appeal without prejudice by the Sixth Circuit Court of Appeals.

DATED in Kalamazoo, MI:
June 30, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE

SEND REMITTANCES TO THE FOLLOWING ADDRESS:

Clerk, U.S. District Court
229 Federal Building
202 W. Washington St.
Marquette, MI 49855

All checks or other forms of payment shall be payable to “Clerk, U.S. District Court.”